IN THE HIGH COURT OF JUDICATURE FOR RAJASTHAN
AT JAIPUR BENCH, JAIPUR.

O R D E R

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1) S.B. CRIMINAL MISC.PETITION NO.1201/2005
R.S. Steel and anr.
Vs.
M/s.Laxman Swaroop Gupta

2) S.B. CRIMINAL MISC.PETITION NO.1202/2005
Mahesh Kumar Agarwal and anr.
Vs.
M/s.Laxman Swaroop Gupta

3) S.B. CRIMINAL MISC.PETITION NO.1214/2005
Mahesh Kumar Agarwal and anr.
Vs.
M/s.Laxman Swaroop Gupta

Under Section 482 Cr.P.C.

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Date of Order:- 28/8/2006.

P R E S E N T

HON'BLE MR.JUSTICE HARBANS LAL

Mr. Ashok Sharma for the accused-petitioners.
Mr. R.S. Yadav for the respondent.

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BY THE COURT:-

Since these three petitions under Section 482 Cr.P.C. involve common controversy to be decided by the court and the parties are also same, they have been heard together and are being disposed of by this common order.

2) These petitions under Section 482 Cr.P.C. are directed against the orders dated 21/5/2005 passed by the learned Special Judge SC/ST (Prevention of Atrocities Cases), Jaipur whereby criminal revisions have been dismissed and the orders dated 7/2/2004 of the learned Additional Civil Judge (Junior Division)-cum-Judicial Magistrate No.21, Jaipur City, Jaipur taking cognizance against the petitioners have been upheld.

3) I have heard learned counsel for the parties and have perused the impugned-order.

4) A bare perusal of the instant petitions reveals that these have been filed to circumvent the bar on filing of second revision provided under Section 397(3) Cr.P.C. which, under the law, is not permissible. It is also well settled that inherent powers vested in this Court under Section 482 Cr.P.C. are to be and ought to be exercised sparingly and with circumspection only to prevent the abuse of the process of the court or to secure ends of justice.

5) Relying upon the judgment of the Apex Court in the case of *Rajanthi Vs. C.Ganesan : 1999(6) SCC 326* this Court has held in *Arun Lahoti and anr. Vs. State of Rajasthan and anr. – III [(2005) BC 470* that the inherent powers cannot be exercised as a substitute for second revision. These petitions have been

filed on the self same grounds on which the revision petitions were filed before the learned court below seeking the same. The instant petitions clearly tantamount to second revision. It is equally well settled that where there is a specific provision in the Code the inherent powers under Section 482 Cr.P.C. cannot be resorted to unless there is a gross abuse of the process of the court or it is otherwise expedient in the interest of justice to exercise the inherent powers of this Court to secure the ends of justice. A plain reading of the petitions makes it manifest that no such case has been made out so as to call for and justify exercise of the inherent powers of this Court.

Consequently, these petitions under Section 482 Cr.P.C. being devoid of merit and substance are hereby dismissed.

(HARBANS LAL), J.

anil/-